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Attorneys for Creditors
MARINA GELMAN and MIKHAIL GELMAN

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

-and-

PACIFIC GAS AND ELECTRIC COMPANY,

Debtor.

Case No. 19-30088 (DM)

Chapter 11

(Lead Case - Jointly Administered)

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR RELIEF
FROM THE AUTOMATIC STAY AND
FOR ABSTENTION PURSUANT TO 28
U.S.C. 1334(c)(1)**

- ☐ Affects PG&E Corporation
☒ Affects Pacific Gas and Electric Company
☐ Affects both Debtors

* All papers shall be filed in the Lead Case,
No. 19-3008 (DM).

Date: May 9, 2019

Time: 9:30 a.m.

Ctrm: Hon. Dennis Montali

450 Golden Gate Avenue

16th Floor, Courtroom 17

San Francisco, CA 94102

Objection Deadline: April 24, 2019
At 4:00 Pacific Time

TO DEBTOR PACIFIC GAS AND ELECTRIC COMPANY AND ITS ATTORNEYS OF
RECORD:

1 PLEASE TAKE NOTICE that MARINA GELMAN and MIKHAIL GELMAN, moving
2 parties herein, hereby respectfully request that this Court take judicial notice pursuant to Federal
3 Rule of Evidence 201 of the following:

4 1. The file-endorsed Complaint in Gelman v. Pacific Gas & Electric Company, Case
5 No. CGC-17-556763 in the Superior Court of California, County of San Francisco (“the Lawsuit”),
6 attached as Exhibit 2;

7 2. The file-endorsed proof of the service in the Lawsuit of the Summons and Complaint
8 on PG&E, showing that service was personally made on June 30, 2017, attached as Exhibit 3;

9 3. The Superior Court’s Case Management Order of November 30, 2017, setting the
10 Lawsuit for trial on August 27, 2018, attached as Exhibit 4.

11 4. The Superior Court’s Order continuing the date of the trial from April 22, 2019, to
12 December 16, 2019, attached as Exhibit 5.

13
14 Dated: April 10, 2019

LAW OFFICES OF BORIS E. EFRON

15
16 /s/ David W. Wessel

17 Attorneys for Creditors
18 Marina Gelman and Mikhail Gelman
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EXHIBIT 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Karen M. Platt, Esq. Bar # 118294 LAW OFFICES OF BORIS E. EFRON 130 Portola Road Portola Valley, CA 94028-7825 TELEPHONE NO: (650) 851-8880 FAX NO. (Optional): (650) 851-3001 E-MAIL ADDRESS (Optional): kplatt@efronlawfirm.com ATTORNEY FOR (Name): Marina Gelman and Mikhail Gelman	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> ENDORSED FILED Superior Court of California County of San Francisco JAN 31 2017 CLERK OF THE COURT By: <u>ARLENE RAMOS</u> Deputy Clerk </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco 94102-4515 BRANCH NAME: Civic Center Courthouse	CASE NUMBER: <div style="font-size: 2em; font-weight: bold; margin-top: 20px;"> CGC-17-556763 </div>
PLAINTIFF: MARINA GELMAN and MIKHAIL GELMAN DEFENDANT: PACIFIC GAS AND ELECTRIC COMPANY; (additional defendants are listed in Attachment 1) <input checked="" type="checkbox"/> DOES 1 TO <u>100</u>	
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Premises Liability <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited	

1. **Plaintiff (name or names):** Marina Gelman and Mikhail Gelman
 alleges causes of action against **defendant (name or names):**
 Pacific Gas and Electric Company; City and County of San Francisco; Blue Plantain, LLC; and Does 1-100
2. This pleading, including attachments and exhibits, consists of the following number of pages: **8**
3. Each plaintiff named above is a competent adult
- a. ☐ **except plaintiff (name):**
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
- b. ☐ **except plaintiff (name):**
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: Marina Gelman, et al. v. Pacific Gas and Electric Company, et al.	CASE NUMBER:
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4. ☐ Plaintiff (*name*):
is doing business under the fictitious name (*specify*):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ **except** defendant (*name*): Pacific Gas and Electric Co. c. ☒ **except** defendant (*name*): Blue Plantain, LLC
- (1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☒ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (*describe*): (3) ☒ an unincorporated entity (*describe*):
a limited liability company
(4) ☐ a public entity (*describe*): (4) ☐ a public entity (*describe*):
(5) ☐ other (*specify*): (5) ☐ other (*specify*):
- b. ☒ **except** defendant (*name*): City and County of San Francisco
- (1) ☐ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (*describe*):
(4) ☒ a public entity (*describe*):
a consolidated city-county
(5) ☐ other (*specify*):
- d. ☒ **except** defendant (*name*): Does 1-100
- (1) ☒ a business organization, form unknown
(2) ☐ a corporation
(3) ☐ an unincorporated entity (*describe*):
(4) ☐ a public entity (*describe*):
(5) ☐ other (*specify*):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (*specify Doe numbers*): 1 to 100 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (*specify Doe numbers*): 1 to 100 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.
b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
d. ☐ other (*specify*):
9. ☒ Plaintiff is required to comply with a claims statute, and
- a. ☒ has complied with applicable claims statutes, or
b. ☐ is excused from complying because (*specify*):

SHORT TITLE: Marina Gelman, et al. v. Pacific Gas and Electric Company, et al.	CASE NUMBER:
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10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☐ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (*specify*):

loss of consortium

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

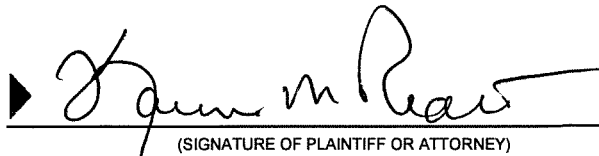
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: January 31, 2017

Karen M. Platt

(TYPE OR PRINT NAME)


(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

CASE NUMBER:

Marina Gelman, et al. v. Pacific Gas and Electric Company, et al.

ATTACHMENT (Number): ONE*(This Attachment may be used with any Judicial Council form.)*CITY AND COUNTY OF SAN FRANCISCO;
BLUE PLANTAIN, LLC;*(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page _____ of _____

(Add pages as required)

SHORT TITLE:

Marina Gelman, et al. v. Pacific Gas and Electric Company, et al.

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—Premises LiabilityPage 5ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Marina Gelman

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): January 26, 2016 plaintiff was injured on the following premises in the following fashion (description of premises and circumstances of injury):

while walking, plaintiff tripped on the edge of a curb box in the sidewalk in front of 2032 Union Street in San Francisco, California, which caused plaintiff to fall to the ground, fracturing her arm and causing other injuries. The curb box cover was inscribed with "PG&E." The concrete sidewalk around the curb box was badly damaged and depressed, causing the edge of the curb box to protrude well above the surface of the sidewalk (see Attachment Prem.L-1, which is a January 27, 2016 photograph of the subject curb box).

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):

Pacific Gas and Electric Company; City and County of San Francisco;
Blue Plantain, LLC; and

☒ Does 1 to 100

Prem.L-3. ☒ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

Pacific Gas and Electric Company; City and County of San Francisco;
Blue Plantain, LLC; and

☒ Does 1 to 100

Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☒ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

City and County of San Francisco and

☒ Does 1 to 100

a. ☒ The defendant public entity had ☒ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☒ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

Pacific Gas and Electric Company;
Blue Plantain, LLC; and

☒ Does 1 to 100

b. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☒ described in attachment Prem.L-5.b ☐ as follows (names):

SHORT TITLE:

CASE NUMBER:

Marina Gelman, et al. v. Pacific Gas and Electric Company, et al.

ATTACHMENT (Number): Prem.L-1

(This Attachment may be used with any Judicial Council form.)



(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page ____ of ____

(Add pages as required)

SHORT TITLE: Marina Gelman, et al. v. Pacific Gas and Electric Company, et al.	CASE NUMBER:
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ATTACHMENT (Number): Prem.L-5.b

(This Attachment may be used with any Judicial Council form.)

Defendants Blue Plantain, LLC and Does 1 to 100 owned, managed, contracted, did business adjacent to the subject premises and had a duty, pursuant to San Francisco Public Works Code Section 706, to repair, notify the City and warn pedestrians of the dangerous condition.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

SHORT TITLE:

Marina Gelman, et al. v. Pacific Gas and Electric Company, et al.

CASE NUMBER:

SECOND

(number)

CAUSE OF ACTION—General Negligence

Page 8

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Mikhail Gelman

alleges that defendant (name): Pacific Gas and Electric Company; City and County of San Francisco;
Blue Plantain, LLC; and

☒ Does 1 to 100

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): January 26, 2016

at (place): the sidewalk in front of 2032 Union Street in San Francisco, California

(description of reasons for liability):

Plaintiff Mikhail Gelman incorporates Paragraphs 1 through 14 and Prem.L-1 Prem.L-5 as though set forth fully here.

At all times mentioned, plaintiff Mikhail Gelman and Marina Gelman were, and continue to be, husband and wife, respectively. As a result of defendants' negligence, Marina Gelman was severely injured. At the time Marina Gelman was injured, plaintiff Mikhail Gelman was in close proximity to her. Plaintiff sensorily and contemporaneously witnessed and perceived the trip and fall which was the cause of the injuries suffered by plaintiff's wife and contemporaneously observed the immediate consequences of defendants' negligent acts.

As a result of contemporaneously witnessing and perceiving the above-described incident and consequences of the same, plaintiff Mikhail Gelman suffered severe emotional distress and shock to the nervous system.

As a result of defendants' negligence, their violation of San Francisco Public Works Code Section 706, and the injuries sustained by Marina Gelman, Mikhail Gelman has lost the conjugal society, comfort, companionship, and affection of Marina Gelman, and her services for the purpose of household maintenance and aid. Said loss of consortium and loss of services commenced at the time of the above-described injuries to Marina Gelman, continues at this time, and will continue in the future.

EXHIBIT 3

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number and address): Karen M. Platt, Esq. (SBN 118294) Law Offices of Boris E. Efron 130 Portola Road Portola Valley CA 94028 TELEPHONE NO.: (650) 851-8880 FAX NO.: (650) 851-3001 ATTORNEY FOR (Name) : PLAINTIFF	FOR COURT USE ONLY ELECTRONICALLY FILED <i>Superior Court of California,</i> <i>County of San Francisco</i> 07/07/2017 Clerk of the Court BY: NADITA MASON Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McALLISTER STREET MAILING ADDRESS: CITY AND ZIP CODE: SAN FRANCISCO CA 94102 BRANCH NAME:	
PLAINTIFF/PETITIONER: Marina Gelman, et al DEFENDANT/RESPONDENT: Pacific Gas and Electric Company, et al	CASE NUMBER: CGC-17-556763
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents):
Order Continuing Case Management Conference
3. a. Party served (specify name of party as shown on the documents served) :
Pacific Gas and Electric Company

b. ☒ Person served (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party name in item 3a)
Ramon Francioco - Utility Clerk / Accounting - Authorized to Accept
4. Address where the party was served:
77 Beale Street, 24th Floor, San Francisco, CA 94105
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 6/30/2017 (2) at (time): 9:58 a.m.
 - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to the party named in item 3b):
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him or her of the general nature of the papers .
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the person I served. I informed him or her of the general nature of the papers .
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: Marina Gelman, et al	CASE NUMBER:
DEFENDANT/RESPONDENT: Pacific Gas and Electric Company, et al	CGC-17-556763

5. c. ☐ by mail and acknowledgement of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(a)(4)). (Code Civ. Proc., § 415.30)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☒ on behalf of (specify): Pacific Gas and Electric Company

under the following Code of Civil Procedure Section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name:
- b. Address:
- c. Telephone number:
- d. The fee for service was: \$ 87.00
- e. I am:



Jeffrey Pink
 ARE YOU BEING SERVED?
 1325 HOWARD AVENUE
 PMB 507
 BURLINGAME, CA 94010
 (650) 348-SERVE (7378) SAN MATEO CO. #180



- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server.
- (i) ☒ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.: San Mateo #180 1/11/2019
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

Date: 7/3/2017

Jeffrey Pink

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

(SIGNATURE)

PP#: 9204

POS-010 (Rev January 1, 2007)

PROOF OF SERVICE OF SUMMONS

Page 2 of 2

, et al vs. Pacific Gas and Electric

EXHIBIT 4

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**
400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514

MARINA GELMAN et al

PLAINTIFF (S)

VS.

PACIFIC GAS AND ELECTRIC COMPANY et al

DEFENDANT (S)

**Case Management Department 610
Case Management Order**

NO. CGC-17-556763

Notice of Time and Place of Trial

TO: ALL COUNSEL AND SELF-REPRESENTED LITIGANTS

The Dec-13-2017 CASE MANAGEMENT CONFERENCE is canceled.

YOU ARE HEREBY NOTIFIED that this case is set for Jury TRIAL on Aug-27-2018 at 9:30 am in Department 206.

If any party objects to this order, written notice of the objection must be filed with the Court; a courtesy copy must be delivered to Department 610 and served on all parties; and all counsel must appear for an objection hearing on Dec-13-2017 in Department 610 at 10:30 am.

After Dec-13-2017, ALL REQUESTS FOR CONTINUANCE MUST BE SUBMITTED TO THE PRESIDING JUDGE in Department 206, 400 MCALLISTER STREET, SAN FRANCISCO, CA 94102-4514.

If an Interpreter has been requested, contact the Interpreter Coordinator at InterpreterRequests@sftc.org. If you do not have access to email please call 415-551-0654.

DATED: NOV-30-2017

TERI L. JACKSON

JUDGE OF THE SUPERIOR COURT

CERTIFICATE OF SERVICE BY MAIL

I, the undersigned, certify that I am an employee of the Superior Court of California, County of San Francisco and not a party to the above-entitled cause and that on NOV-30-2017 I served the attached Notice of Time and Place of Trial by placing a copy thereof in an envelope addressed to all parties to this action as listed below. I then placed the envelope in the outgoing mail at 400 McAllister Street, San Francisco, CA 94102, on the date indicated above for collection, sealing of the envelope, attachment of required prepaid postage, and mailing on that date, following standard court practice.

Dated : NOV-30-2017

By: DARLENE LUM

KAREN MICHELE PLATT (118294)
LAW OFFICES OF BORIS EFRON
130 PORTOLA ROAD
PORTOLA VALLEY , CA 940280000

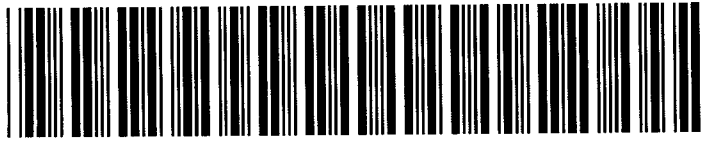
WILLIAM SCOTT KRONENBERG (133730)
KRONENBERG LAW, P.C.
1 KAISER PLAZA
SUITE 1675
OAKLAND, CA 94612

PAUL YEE (142381)
LAW OFFICE OF LORI R. MAYFIELD
505 14TH STREET
STE 1210
OAKLAND, CA 94612

KELLY COLLINS (277988)
DEPUTY CITY ATTORNEY
CITY ATTORNEY'S OFFICE
1390 MARKET STREET, 6TH FL
SAN FRANCISCO, CA 94102

KAREN MICHELE PLATT (118294)
LAW OFFICES OF BORIS EFRON
130 PORTOLA ROAD
PORTOLA VALLEY , CA 940280000

EXHIBIT 5



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

Document Scanning Lead Sheet

Jan-24-2019 2:05 pm

Case Number: CGC-17-556763

Filing Date: Jan-24-2019 2:05

Filed by: JHULIE ROQUE

Image: 06659032

ORDER

MARINA GELMAN ET AL VS. PACIFIC GAS AND ELECTRIC COMPANY ET AL

001C06659032

Instructions:

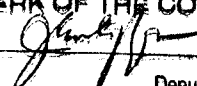
Please place this sheet on top of the document to be scanned.

DENNIS J. HERRERA, State Bar #139669
City Attorney
CHERYL ADAMS, State Bar #164194
Chief Trial Deputy
KELLY COLLINS, State Bar #277988
Deputy City Attorney
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3914
Facsimile: (415) 554-3837
E-Mail: kelly.collins@sfcityatty.org

Attorneys for Defendant
CITY AND COUNTY OF SAN FRANCISCO

FILED
San Francisco County Superior Court

JAN 24 2019

CLERK OF THE COURT
BY: 
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

MARINA GELMAN and MIKHAIL
GELMAN,

Plaintiffs,

vs.

PACIFIC GAS AND ELECTRIC
COMPANY; CITY AND COUNTY OF SAN
FRANCISCO; BLUE PLANTAIN, LLC,

Defendants.

Case No. CGC-17-556763

**[PROPOSED] ORDER RE DEFENDANT CITY
AND COUNTY OF SAN FRANCISCO'S EX
PARTE APPLICATION TO CONTINUE THE
TRIAL DATE**

Hearing Date: January 18, 2019 *Garrett L. Wong*
Hearing Judge: Honorable ~~Feri L. Jackson~~
Time: 11:00 a.m.
Place: Dept. 206

Date Action Filed: June 16, 2017
Trial Date: April 22, 2019

Defendant City and County of San Francisco's Stipulated Ex Parte Application to Continue the
Trial Date came on for hearing on January 18, 2019 in Department 206 of the San Francisco Superior
Court. Kelly Collins appeared for the movant.

After considering the moving papers and the argument of counsel, and good cause appearing
therefor, the Application is GRANTED.

1 The April 22, 2019 date is continued to December 16, 2019 in Department 206 at 9:30 a.m.
2 All dates related to the trial of this matter, including completion of discovery, and exchange of expert
3 information and completion of discovery related to experts be dependent upon the new trial date.
4 *All further Continuances shall be by Noticed Motion.*

5 **IT IS SO ORDERED.**

6
7 Dated: _____

SEE NEXT PAGE
8 ~~HONORABLE TERIL JACKSON~~ *Garrett L. Wang*
9 Judge of the Superior Court
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1 THE COURT FURTHER ORDERS ALL PARTIES to call 415-551-3685 or e-mail the
2 court at Department206@sftc.org seven to fourteen days before the trial date and
3 provide the following information:

- 4 1. Party Name and Attorney Name (if represented)
- 5 2. Case Name and Number
- 6 3. Trial date and estimate of total trial time (including motions in limine and
7 jury selection)
- 8 4. Are you interested in a settlement conference on the day of trial?
- 9 5. Provide a brief description of the case, including damages. If calling,
10 description is limited to three minutes or less.
- 11 6. If the case has settled, is this a global settlement as to all parties and all
12 causes of action, and is the settlement conditional or unconditional?

13
14 Parties must appear on the day of trial unless a Dismissal, Notice of Settlement,
15 or Notice of Stay is filed with courtesy copies delivered to Department 206 by 4:00 PM
16 on the Thursday before trial.

17 If the trial date is continued, this order applies to the new trial date. Failure to
18 comply with this order may result in monetary sanctions, C.C.P. §177.5.

19
20
21 DATE:

January 24, 2019



HONORABLE GARRETT L. WONG
Presiding Judge
San Francisco Superior Court